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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 2.5. YOUTHS [1700 - 2250] (*Division 2.5 added by Stats. 1941, Ch. 937.*)

CHAPTER 1. The Youth Authority [1700 - 1915] (*Heading of Chapter 1 amended by Stats. 1943, Ch. 690.*)

ARTICLE 2.5. Board of Juvenile Hearings [1716 - 1728] (*Heading of Article 2.5 amended by Stats. 2016, Ch. 33, Sec. 39.*)

1716. Commencing July 1, 2016, any reference to the Youth Authority Board refers to the Board of Juvenile Hearings.

(Amended by Stats. 2016, Ch. 33, Sec. 40. (SB 843) Effective June 27, 2016.)

1718. (a) The Governor shall appoint three commissioners, subject to Senate confirmation, to the Board of Juvenile Hearings. These commissioners shall be appointed and trained to hear only juvenile matters. The term of appointment for each commissioner shall be five years, and each term shall commence on the expiration of the predecessor. Each commissioner currently serving on the Board of Parole Hearings to hear only juvenile matters shall continue to serve as a commissioner of the Board of Juvenile Hearings until his or her current term expires. The Governor shall stagger the remaining vacancies as follows: one commissioner term to expire on July 1, 2018, and one commissioner term to expire on July 1, 2019. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

(b) The Chair of the Board of Juvenile Hearings shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged. The Director of the Division of Juvenile Facilities shall be the hiring authority for all civil service positions of employment with the board.

(c) Each commissioner shall participate in hearings, including discharge consideration hearings, initial case reviews, and annual reviews.

(Added by Stats. 2016, Ch. 33, Sec. 41. (SB 843) Effective June 27, 2016.)

1719. (a) The following powers and duties shall be exercised and performed by the Board of Juvenile Hearings: discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the committing court, honorable discharge determinations, initial case reviews, and annual reviews.

(b) Any ward may appeal a decision by the Board of Juvenile Hearings to deny discharge to a panel comprised of at least two commissioners.

(c) The following powers and duties shall be exercised and performed by the Division of Juvenile Facilities: return of persons to the court of commitment for redispotion by the court or a reentry disposition, determination of offense category, setting of discharge consideration dates, developing and updating individualized treatment plans, institution placements, furlough placements, return of nonresident persons to the jurisdiction of the state of legal residence, disciplinary decisionmaking, and referrals pursuant to Section 1800.

(d) The department shall promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters. The disciplinary decisionmaking system shall be employed as the disciplinary system in facilities under the jurisdiction of the Division of Juvenile Facilities, and shall provide a framework for handling disciplinary matters in a manner that is consistent, timely, proportionate, and ensures the due process rights of wards. The department shall develop and implement a system of graduated sanctions that distinguishes between minor, intermediate, and serious misconduct. The department may not extend a ward's discharge consideration date. The department also may promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of any time acquired for disciplinary matters.

1720. (a) The case of each ward shall be reviewed by the Board of Juvenile Hearings within 45 days of arrival at the department, and at other times as is necessary to meet the powers or duties of the board.

(b) The Board of Juvenile Hearings shall periodically review the case of each ward. These reviews shall be made as frequently as the Board of Juvenile Hearings considers desirable and shall be made with respect to each ward at intervals not exceeding one year.

(c) The ward shall be entitled to notice if his or her annual review is delayed beyond one year after the previous annual review hearing. The ward shall be informed of the reason for the delay and of the date the review hearing is to be held.

(d) Failure of the board to review the case of a ward within 15 months of a previous review shall not of itself entitle the ward to discharge from the control of the division but shall entitle him or her to petition the superior court of the county from which he or she was committed for an order of discharge, and the court shall discharge him or her unless the court is satisfied as to the need for further control.

(e) Reviews conducted by the board pursuant to this section shall be written and shall include, but not be limited to, the following: verification of the treatment or program goals and orders for the ward to ensure the ward is receiving treatment and programming that is narrowly tailored to address the correctional treatment needs of the ward and is being provided in a timely manner that is designed to meet the discharge consideration date set for the ward; an assessment of the ward's adjustment and responsiveness to treatment, programming, and custody; a review of the ward's disciplinary history and response to disciplinary sanctions; and a review of any additional information relevant to the ward's progress.

(f) The division shall provide copies of the reviews prepared pursuant to this section to the court and the probation department of the committing county.

(Amended by Stats. 2016, Ch. 33, Sec. 43. (SB 843) Effective June 27, 2016.)

1721. (a) The Board of Juvenile Hearings shall meet at each of the facilities under the jurisdiction of the Division of Juvenile Facilities. Meetings shall be held at whatever times may be necessary for a full and complete study of the cases of all wards whose matters are considered. Other times and places of meeting may also be designated by the board, including, but not limited to, prisons or state facilities housing wards under the jurisdiction of the Division of Juvenile Facilities. Each commissioner of the board shall receive his or her actual necessary traveling expenses incurred in the performance of his or her official duties. If the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, no action shall be valid unless it is concurred in by a majority vote of those present.

(b) The Board of Juvenile Hearings may utilize board representatives to whom it may assign appropriate duties, including hearing cases and making decisions. Those decisions shall be made in accordance with policies approved by a majority of the total membership of the board. When determining whether commissioners or board representatives shall hear matters pursuant to subdivision (a) of Section 1719, or any other matter submitted to the board involving wards under the jurisdiction of the Division of Juvenile Facilities, the chair shall take into account the degree of complexity of the issues presented by the case.

(c) The board shall exercise the powers and duties specified in subdivision (a) of Section 1719 in accordance with rules and regulations adopted by the board. The board may conduct discharge hearings in panels. Each panel shall consist of two or more persons, at least one of whom shall be a commissioner. No panel action shall be valid unless concurred in by a majority vote of the persons present; in the event of a tie vote, the matter shall be referred to and heard by the board en banc.

(Added by Stats. 2016, Ch. 33, Sec. 44. (SB 843) Effective June 27, 2016.)

1722. (a) Any rules and regulations, including any resolutions and policy statements, promulgated by the Board of Juvenile Hearings shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.

(b) The Board of Juvenile Hearings shall maintain, publish, and make available to the general public a compendium of its rules and regulations, including any resolutions and policy statements, promulgated pursuant to this section.

(c) Notwithstanding subdivisions (a) and (b), the chairperson may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State. However, no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.

(Added by Stats. 2016, Ch. 33, Sec. 45. (SB 843) Effective June 27, 2016.)

1723. (a) The powers and duties of the board described in subdivision (a) of Section 1719 shall be exercised and performed by the board or its designee, as authorized by this article.

(b) All other powers conferred to the board concerning wards under the jurisdiction of the division may be exercised through subordinates or delegated to the division under rules established by the board. Any person subjected to an order of those

subordinates or of the division pursuant to that delegation may petition the board for review. The board may review those orders under appropriate rules and regulations.

(c) All board designees shall be subject to the training required pursuant to Section 1724.

(Amended by Stats. 2016, Ch. 33, Sec. 46. (SB 843) Effective June 27, 2016.)

1724. (a) Commissioners and board representatives hearing matters pursuant to subdivision (a) of Section 1719 or any other matter involving wards under the jurisdiction of the Division of Juvenile Facilities shall have a broad background in, and ability to perform or understand, appraisal of youthful offenders and delinquents, the circumstances of delinquency for which those persons are committed, and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and board representatives selected to hear these matters also shall have a varied and sympathetic interest in juvenile justice and shall have experience or education in the fields of juvenile justice, sociology, law, law enforcement, mental health, medicine, drug treatment, or education.

(b) Within 60 days of appointment and annually thereafter, commissioners and board representatives described in subdivision (a) shall undergo a minimum of 40 hours of training in the following areas:

- (1) Adolescent brain development, the principles of cognitive behavioral therapy, and evidence-based treatment and recidivism-reduction models.
- (2) Treatment and training programs provided to wards at the Division of Juvenile Facilities, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.
- (3) Current national research on effective interventions with juvenile offenders and how they compare to division program and treatment services.
- (4) Commissioner duties and responsibilities.
- (5) Knowledge of laws and regulations applicable to conducting initial case reviews, annual reviews, and discharge hearings, including the rights of victims, witnesses, and wards.
- (6) Factors influencing ward lengths of stay and ward recidivism rates and their relationship to one another.

(Added by Stats. 2016, Ch. 33, Sec. 47. (SB 843) Effective June 27, 2016.)

1725. (a) Commencing July 1, 2016, the Board of Juvenile Hearings shall succeed, and shall exercise and perform all powers and duties previously granted to, exercised by, and imposed upon the Youthful Offender Parole Board and Youth Authority Board, as authorized by this article. The Youthful Offender Parole Board and Youth Authority Board are abolished.

(b) Commencing January 1, 2007, all commissioners appointed and trained to hear juvenile parole matters, together with their duties prescribed by law as functions of the Board of Parole Hearings concerning wards under the jurisdiction of the Department of Corrections and Rehabilitation, are transferred to the Director of the Division of Juvenile Justice.

(Amended by Stats. 2016, Ch. 33, Sec. 48. (SB 843) Effective June 27, 2016.)

1726. (a) Employees of the Department of the Youth Authority who are needed to support the functions of the Youth Authority Board shall be selected and appointed pursuant to the State Civil Service Act.

(b) All officers and employees of the Youthful Offender Parole Board who on January 1, 2004, are serving in the state civil service, other than as temporary employees, as part of the direct staff of the Youthful Offender Parole Board shall be transferred to the Department of the Youth Authority and subject to retention pursuant to Section 19050.9 of the Government Code.

(Amended by Stats. 2003, Ch. 4, Sec. 23. Effective April 8, 2003. Operative January 1, 2004, by Sec. 52 of Ch. 4.)

1728. The Governor may remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

(Added by Stats. 2016, Ch. 33, Sec. 49. (SB 843) Effective June 27, 2016.)